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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/561,846

12/22/2005

Karl-Heinz Gesing

7863-88004

3004

42798 7590 04/26/2007
FITCH, EVEN, TABIN & FLANNERY
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WASHINGTON, DC 20036

EXAMINER

MUROMOTO JR, ROBERT H

ART UNIT

PAPER NUMBER

3765

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/561,846

Applicant(s)

GESING, KARL-HEINZ

Examiner

Robert H. Muromoto, Jr.

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3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/22/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 9/8/2006 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered. The list page of the IDS is not present.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The abstract of the disclosure is objected to because it should be presented on a separate sheet of paper. Correction is required. See MPEP § 608.01(b).

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Beyaert US patent 6,009,918.

Beyaert '918 discloses, a power loom harness fitted with an upper and a lower rail arranged to hold heddles.

"The harness 1 shown schematically in FIG. 1 includes two side struts 2, 3 connected by cross-braces 4 and 5. A rail 6, 7 is affixed by fasteners 8 and screws 9 (also see FIGS. 10, 11) at predetermined spacings at each cross-brace 4, 5. Heddles 10 are mounted between the rails 6 and 7."

"The upper rail 6 includes an upper drive surface 15 associated with a mating surface of the eyes 13 of the heddles 10. The rail 6 furthermore includes a lower drive surface 16 which is also associated with a mating surface of the eyes 13 of the heddles 10. A strip-shaped inset 35 is mounted between the lower drive surface 16 and its associated mating surface of the eyes 13 of the heddles 10 and determines the play by which the heddles 10 may

shift relative to the upper rail 6 during the up and down motions of the harness. The strip inset 35 runs over substantially the full length of the rail 6 and preferably is made of plastic, for instance a polyamide. The strip inset 35 limits the possible play to 1 mm or less. Because a lateral play also is present in the eyes 13 relative to the rail 6 and further relative to the strip inset 35, the heddles 10 are very easily shifted on the rail 6. A play is present between the top sides and the bottom sides of the lower rail 7 and the eye 14, and this latter play is substantially larger than that between the upper rail 6 and the strip 35 relative to the eyes 13." The rail 6 corresponds to the recited frame stave and the drive surface 16 equates to the 'carrier body'. The strip shaped inset 35 equates to the recited 'damping element'. The inset 35 is clearly shown and described as a separate member that is mounted onto the drive surface 16 and fills the heddle eye (which is taught as well known to have various shapes) to limit the play in all directions to a desirable amount.

The inset 35 clearly discloses the limitations in claims 1-8.

The inset is disclosed as being made from polyamide plastic material or in another embodiment is inflatable. Clearly disclosing limitations of claims 9 and 10.

Figure 11 shows an embodiment using two insets opposite each other in one heddle eye. The insets would be putting a 'spring' force against each other in this embodiment as recited in claim 11.

Figures 14 and 15 show an embodiment using an inflatable inset that takes the shape of the heddle eye clearly showing at least two surfaces with different shapes.

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They would also inherently damp in different ways as claimed. As heddle eyes are shown in various shapes an inflatable inset used in some of the irregular shaped heddles shown would necessarily exhibit different forces in different directions depending on the heddle eye shape.

The system described clearly includes a shaft rod as claimed.

'918 also clearly discloses the fitting of heddles onto the drive surface and then inserting the strip shaped inset through the heddle eyes as recited in claim 15.

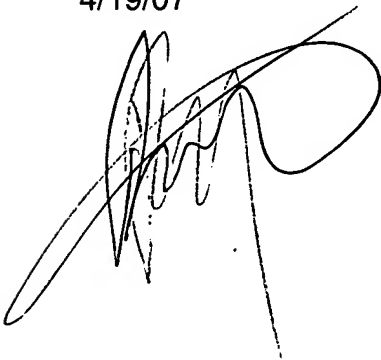
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert H. Muromoto, Jr. whose telephone number is 571-272-4991. The examiner can normally be reached on 8-530, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bobby Muromoto
4/19/07

A handwritten signature in black ink, appearing to be 'Bobby Muromoto', with a large, sweeping loop at the end.